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SEP 13 2006

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## REMARKS

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

Further to the telephone conversation of September 13, 2006 between Examiner and the undersigned, Applicant respectfully requests removal of the finality of the action, on the grounds that the claims rejected were unclear rather than anticipated by the art cited. Applicant has amended the specification to include a definition of "any polarization" which states that any polarization means unpolarized and either of "both" polarizations a "polarized" light beam which may describe a light beam. No new matter is introduced by this amendment.

The term "both polarizations" is supported at p 5 lines 9-21 in the following paragraph.

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"As an example of thermo-optical switching/steering device in wave guide format , polarization insensitive planar-waveguide switch employing liquid crystal as the switching elements has been disclosed by John Thackara ("Planar Waveguide Switch and Optical Cross-Connect, WO 02/31558, International Publication Date: 18 April, 2002). Different from the mentioned electro-optical device, this device switches beam of light via thermal means rather than electric means. This switching device is also regarded as a beam steering device from which the steered beam steered has the same propagation direction. The core layer of the switch's planar waveguide contains a narrow trench filled with a liquid crystal that exhibits positive birefringence. When held at a temperature that is a few degrees above a threshold value (or "clearing point"), the liquid crystal's isotropic refractive index matches that of the core layer, allowing nearly complete optical transmission through the switch. Cooling the liquid crystal temperature to below the clearing point, however, both polarizations of the incident optical signal are totally reflected from the trench. "

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1 . The term "randomly polarized", which in the art is recognized as identical to "unpolarized" is supported at p 5 lines 9-21, reproduced below

6 "one of the preferred configurations of the WG-BSD in the present invention steers efficiently randomly polarized beam of light. However, the steering operation is realized electrically by changing the liquid crystal refractive index via electric means rather than thermal means. In an alternative design, this WG-BSD is capable of efficiently steering polarized beam of light by electric means." Claims are pending in this application. Claims have been amended. Claims have been added.

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1 Claims 1-39 are pending in this application. No claims are presently amended.

The office action states that Claims 1-39 are rejected under Section 35 U.S.C. 102(e) as being anticipated by (US 6559921 ).

Applicant repeats his prior arguments that Leslie's switch does not switch "any polarization". ie. it does not switch unpolarized light, and does not switch both polarizations.

6 Applicant states that, since neither of the prior art cited documents show or suggest a liquid crystal switch that can switch "light of any polarization", claims 1-39 are allowable on both . 102(e) and 103 grounds.

No additional fee is required. The required fees and any insufficiency or overage (except issue fees) may be debited or credited to deposit account 08/2240.

11 On the basis of the above amendments and remarks, reconsideration of this application and its early allowance is respectfully requested.

**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8(a) and (b). 37CFR 1.86(f)-**

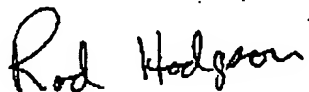
16 I hereby certify that the following attached correspondence comprising Response and Amendment is being sent by facsimile transmission to Commissioner of Patents ,Alexandria, VA 22313-1450 at FAX NUMBER 571-273-8300 on September 13, 2006

Respectfully,

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